

REMARKS/ARGUMENTS

Claims 273-300 are pending in the present application. Claims 1-272 were previously canceled without prejudice. Applicant respectfully requests re-examination and re-consideration of pending claims 273-300.

I. **Rejection of Claims 273-300 Under 35 U.S.C. § 112**

The Examiner has rejected claims 273-300 under 35 U.S.C. 112 for failure to provide sufficient description in the specification to support the subject matter in the amended claims.

Applicant respectfully disagrees and submits that at least the first full paragraph on page 100, lines 8-23 of the specification fully contains the subject matter in the amended claims in sufficient detail to enable one of skill in the relevant art to practice the invention. Therefore, Applicant respectfully requests withdrawal of this rejection by the Examiner.

II. **Rejection of Claims 273-300 Under 35 U.S.C. § 103**

The Examiner has rejected claims 273-300 under 35 U.S.C. 103 as being unpatentable over “Whitehouse” (US 6,005,945) in view of “Cordery” et al (US 6,567,794) and “LeCarpenter” (US 4,752,950).

Applicant respectfully disagrees and submits that independent claims 273, 280 and 286 are allowable over the cited references because Whitehouse, Cordery and

LeCarpenter, either standing alone or in combination, fail to teach, anticipate or suggest the system or method of the claimed invention.

The Examiner concedes that none of the prior art references individually teach the invention claimed in any of the independent claims, rejecting the claims under 35 U.S.C. §103 instead of under 35 U.S.C. §102. A 35 U.S.C. §103 rejection based on a combination of references requires that "the collective teachings of the prior art must have suggested to one of ordinary skill in the art that, at the time the invention was made, applicant's claimed invention would have been obvious." See MPEP 2116.01, citing In re Ochiai, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and In re Brouwer, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996). It is not proper to make a 35 U.S.C. §103 rejection based on the desirability, in hindsight, of the combination. Instead, the Examiner must determine "whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination". See In re Fulton, 391 F.3d 1195, 73 USPQ2d 1141 (Fed. Cir. 2004).

The Examiner has not identified any teachings in the cited references that suggest to one of skill in the art the desirability of the claimed invention. Without such a showing of the desirability of the claimed invention as a whole, the obviousness rejection must be withdrawn.

Regarding Whitehouse and LeCarpenter, Applicant incorporates herein the arguments in the response to office action filed on February 13, 2006., which are as follows:

The Examiner has rejected claims 273-300 under 35 U.S.C. 103 as being unpatentable over "Whitehouse" (US 6,005,945) in

view of "Wells" (aka Sudia: US 5,799,086) and "LeCarpenter" (US 4,752,950). Applicant respectfully disagrees. Applicant submits that independent claims 273, 280 and 286 (as amended) are allowable over the cited references, taken alone or in combination, for at least the following reasons. Whitehouse, Wells and LeCarpenter, alone or in combination, fail to teach or suggest a system or method in which a postage vendor system comprises a plurality of encrypted user account records that each comprise a user private key for digitally signing postal indicia data of postage purchased by a respective user. Further, none of the cited references teach or suggest a cryptographic device used in the processing of postage requests to authenticate a postage request, to access an encrypted user account record, and to update an encrypted user account record.

With respect to the encrypted user account record comprising a private user key for digitally signing postal indicia data, Wells (aka Sudia) does not address postage vending systems, and is limited in its teachings to encryption/decryption of communications. LeCarpenter, while relating generally to franking systems, does not teach or suggest any application for digital signatures on postal indicia. Finally, whereas Whitehouse relates to postage vending systems, Whitehouse does not specifically teach or suggest encrypting user account records, let alone including user private keys in such user account records. In fact, Whitehouse teaches that the postage vending system use a reduced number of keys for digitally signing postal indicia data, e.g., on a time-based rotation, and that a key ID be placed in a usage log to note which key was used for a particular postage transaction. Whitehouse thus teaches away from storing in each encrypted user account record a user private key for digitally signing postal indicia data of postage purchased by the respective user.

Following on the lack of teaching for a user private key in each encrypted user account record, none of the cited references teach or suggest using a cryptographic device as recited in independent claims 273, 280 and 286. As stated above, Wells (aka Sudia) does not address postage vending systems, and thus, apart from encryption of general communications, does not teach or suggest using a cryptographic device in connection with processing postage requests, particularly with respect to accessing and updating encrypted user account records. LeCarpenter processes postage requests at local meters, and thus has no purpose for using

a cryptographic device to access encrypted user account records in a database to process postage requests. Whitehouse also does not teach or suggest the encryption of user account records, or the use of a cryptographic device for accessing or updating encrypted user account records in connection with processing a postage request. Whitehouse encrypts/decrypts communications between a client and the secure central computer, but does not speak to encryption within the secure central computer.

Furthermore, Applicant submits that Whitehouse specifically teaches away from any motivation to combine its teachings with Cordery by stating that the security taught by Whitehouse is "more than sufficient." For example, Whitehouse states: "However, as stated above, it is believed that using symmetric key encryption with periodically updated session keys for each user account will provide **more than sufficient security** for protecting postal indicium requests and replies." See Whitehouse column 12, lines 53-56, **[Emphasis Added]**. Thus, if Whitehouse deems its security procedure "more than sufficient" for protecting postal indicium, there is no teaching of any desirability or motivation to combine Whitehouse with additional security features of Cordery, and LeCarpenter.

For at least the foregoing reasons, Applicant respectfully submits that independent claims 273, 280 and 286 are allowable over the cited art. Further, dependent claims 274-279, 281-285 and 287-300, being dependent upon allowable base claims, are also allowable for at least the same reasons as independent claims 273, 280 and 286.

III. Request for Continued Examination

Applicant herein submits a Request for Continued Examination.

IV. Conclusion

For the foregoing reasons, Applicant submits that the Examiner's rejections have been traversed. The present application is therefore in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

Date: October 10, 2006

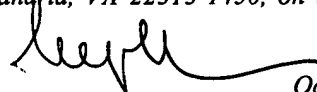
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October 10, 2006
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